



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.17148 of 2016

E.SAJI KUMAR

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT
CR.NO. 350 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.P.NARAYANAKUMAR Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 30.08.2016 for the alleged offences punishable under Sections 294(b), 307 IPC and Section 3(1) of TNPPDL Act, in Crime No.350 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner abused the defacto complainant and attempted to attack him with Aruval. On complaint, case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 30.08.2016.

4.The learned Government Advocate (Crl. side) submitted that four previous cases are pending against the petitioner and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 30.08.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to



be released on bail, subject to the following conditions:-

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel.
- (ii) the petitioner shall report before the respondent Police on every Monday and Friday at 10.30 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

20/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ERANIEL.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE OFFICER INCHARGE
DISTRICT JAIL,NAGERCOIL.

5 THE SUB INSPECTOR OF POLICE,
COLACHEL POLICE STATION, KANYAKUMARI DISTRICT

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.53667.

ORDER

IN

CRL OP(MD) No.17148 of 2016

Date :20/09/2016